

AMENDED IN ASSEMBLY APRIL 22, 2009

AMENDED IN ASSEMBLY MARCH 31, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 837

Introduced by Assembly Member Torlakson

February 26, 2009

An act to add Section 46300.8 to the Education Code, relating to school attendance.

LEGISLATIVE COUNSEL'S DIGEST

AB 837, as amended, Torlakson. School attendance: online education.

Existing law establishes the public elementary and secondary school system in this state, and further establishes a funding system pursuant to which the state apportions funds to local educational agencies based on the average daily attendance of pupils at the schools operated by those agencies. Numerous statutes and regulations govern the calculation and reporting of average daily attendance.

This bill would provide that school districts, county offices of education, and charter schools that offer online education courses may claim ~~a unit of~~ *one day of attendance toward* average daily attendance on the basis of the attendance *at a class or classes in a classroom-based setting* of a pupil taking at least one *high-quality* online course ~~at a class or classes in a classroom-based setting~~, *that satisfies prescribed criteria*.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 46300.8 is added to the Education Code,
2 to read:

3 ~~46300.8. Notwithstanding any other provision of law, in order~~
4 ~~to facilitate the access of pupils to high-quality online course~~
5 ~~offerings, when a pupil is enrolled for the minimum schoolday~~
6 ~~through classes that include both a classroom-based setting and at~~
7 ~~least one class offered through an online program, the school~~
8 ~~district, county office of education, or charter school may claim,~~
9 ~~for that pupil, a unit of average daily attendance on the basis of~~
10 ~~that pupil's attendance at a class or classes in the classroom-based~~
11 ~~setting.~~

12 *46300.8. (a) Commencing with the 2010–11 fiscal year, a*
13 *school district or county office of education may claim one day of*
14 *attendance toward average daily attendance on the basis of a*
15 *pupil's attendance at a class or classes in the classroom-based*
16 *setting on that day, if all of the following apply:*

17 *(1) The pupil is enrolled in grade 9, 10, 11, or 12.*

18 *(2) The pupil is enrolled for at least the minimum school day*
19 *in classes that include both one or more courses in a*
20 *classroom-based setting and one or more courses that are offered*
21 *through an online program.*

22 *(3) Each online course in which the pupil is enrolled is a*
23 *high-quality online course.*

24 *(b) For the purposes of this section, a high-quality online course*
25 *is defined as an online course that meets all of the following*
26 *requirements:*

27 *(1) The online course is approved by the governing board of*
28 *the school district.*

29 *(2) The online course is certified, through board resolution, by*
30 *the governing board of the school district to meet these*
31 *requirements.*

32 *(3) The teacher of an online course is online and accessible to*
33 *the pupil on a daily basis to respond to pupil queries, assign tasks,*
34 *and dispense information, though the teacher's interaction with*
35 *the pupil may be asynchronous or synchronous in nature.*

36 *(4) The ratio of full-time equivalent certificated teachers*
37 *teaching through online instruction to pupils engaging in that*

1 *instruction is substantially equivalent to the ratio of teachers to*
2 *pupils in traditional in-classroom study of the same subject matter.*

3 *(5) A teacher may teach pupils in one or more online courses*
4 *pursuant to this article only if the teacher concurrently teaches*
5 *the same course to pupils in a traditional in-classroom setting in*
6 *the providing school district or did so at any time within the*
7 *immediately preceding two-year period.*

8 *(6) The subject matter content is the same for the online course*
9 *as for the traditional classroom-based course.*

10 *(7) A teacher teaching in an online classroom program holds*
11 *the appropriate subject matter credential.*

12 *(8) A school district offering an online course may contract with*
13 *another school district to provide the online course to pupils of*
14 *the offering school district. Contract terms shall be determined by*
15 *mutual agreement of the school districts. School districts that*
16 *provide online courses pursuant to the contract shall contract*
17 *directly with the school district of the school site offering the online*
18 *course, and shall not enter into direct contracts with the pupils of*
19 *the offering school district.*

20 *(9) Statewide testing results for online pupils are reported to*
21 *the school district in which the pupil is enrolled for regular*
22 *in-classroom courses.*

23 *(10) The online instruction is offered by a high school.*

24 *(11) A pupil is not assigned to an online course pursuant to this*
25 *section unless the pupil voluntarily elects to participate in the*
26 *online course. The parent or guardian of the pupil provides written*
27 *consent before the pupil participates in an online course.*

28 *(12) The school district of a school site that offers online*
29 *classroom programs pursuant to this section verifies that online*
30 *pupils take examinations by proctor or that other reliable methods*
31 *are used to ensure test integrity and that there is a clear record*
32 *of pupil work, using the same method of documentation and*
33 *assessment as in a classroom-based course.*

34 *(13) A school district of a school site that offers online*
35 *classroom programs pursuant to this article maintains records to*
36 *verify the time that a pupil spends online and related activities in*
37 *which a pupil is involved. The school district also maintains*
38 *records verifying the time the instructor is online.*

1 (c) Attendance accounted for pursuant to subdivision (a) and
2 compliance with the requirements of subdivision (b) shall be
3 subject to the audit conducted pursuant to Section 41020.

4 (d) No provision of this section may be waived unless the waiver
5 is specifically authorized in statute.

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